

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MECHELLE A. MAJOR,

Petitioner,

v.

**CIVIL ACTION NO.: 3:20-CV-194
(GROH)**

WARDEN P. ADAMS,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. LR PL P 2. Magistrate Judge Trumble issued an R&R [ECF No. 9] on February 4, 2021. In the R&R, Judge Trumble recommends that the Petitioner’s § 2241 Petition [ECF No. 1] be denied and dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of a Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). However, because the Petitioner failed to provide her current address,¹ the Clerk of Court was unable to mail the R&R to the Petitioner; instead, the Clerk was instructed to retain a copy of the R&R in the event the Petitioner updated the Court as to her mailing address. As of this Order, the Petitioner has not provided the Court with her current mailing address and therefore has not accepted service of the R&R. Accordingly, the Petitioner did not file objections. However, "all pro se litigants are responsible for promptly informing the Court of any change in their address, monitoring the progress of their case, and prosecuting or defending their actions diligently." LR PL P 6. Failure to notify the Clerk of Court of an address change will result in dismissal of the prisoner's case. Id. Thus, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 9] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's § 2241 Petition [ECF No. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

Because the Petitioner's address on the docket is still listed as FCI Hazelton, the Clerk of Court is **DIRECTED** to retain a copy of this Order for the Petitioner in the event

¹ The Petitioner's address, as reflected on the docket sheet, is FCI Hazelton. However, the Petitioner was released from Bureau of Prison ("BOP") custody on January 8, 2021, according to the BOP Inmate Locator service. See Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/>.

that she provides a mailing address at some future date. The Clerk is further **DIRECTED** to provide a copy of this Order to all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: March 22, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE



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